

Remarks

The applicants respectfully request reconsideration and a determination that all of the claims pending in the captioned application are allowable.

Claims 22-63 are pending in the captioned application.

The Office Action stated that claims 22-30, 46-50 and 57-59 are allowed.

The Office Action maintained the rejection of claims 31-45, 51-56 and 60-63 as not complying with the written description requirement under the first paragraph of 35 USC §112, and listed the same allegedly unsupported limitations of the rejected independent claims as had been listed in the prior office action.

The undersigned attorney thanks the Examiner for her courtesy in a telephone interview on 20 October 2005. We discussed why the written description requirement is satisfied for the rejected claims, as explained below and in the 12 August 2005 reply to the prior office action.

The examiner agreed to reconsider the rejection.

1. With regard to claims 31 and 38, the Office Action erroneously asserted there is no support for "a plurality of antenna controllers each communicating with corresponding sensors." However, this claim language is supported by the specification. *See e.g.* 27:3-8 (original claim 21, "a plurality of antenna systems as claimed in any one of claims 14 to 20 located at a plurality of sites" – each with a controller); 26:20-24 (original claim 18, "antenna system as claimed in any one of claims 14-17 including means to monitor the degree of phase shift of a phase shifter of each antenna to determine the degree of downtilt of each antenna beam [i.e. information from corresponding sensor] and for supplying such information to the controller"); 26:4-9 (original claim 14, antenna system comprising a controller and one or more antenna – each with means for

varying downtilt of the antenna beam); 6:18-23 (antenna system comprising a controller and one or more antenna – each with means for varying downtilt of the antenna beam).

To make this clearer, original claim 21 can include the limitations of original claims 18 and 14. Original claim 14 discloses an antenna system including a controller. Original claim 18 discloses a claim 14 antenna system with the controller communicating with a sensor (“means to monitor the degree of phase shift of a phase shifter of each antenna to determine the degree of downtilt of each antenna beam and for supplying such information to the controller”). Original claim 21 discloses a plurality of claim 18 antenna systems – i.e., a plurality of antenna controllers each communicating with corresponding sensors. This is the language identified in the Office Action, and one skilled in the relevant art would recognize this claimed subject matter is supported by the specification (that includes the original claims).

2. With regard to claims 43 and 54, the Office Action erroneously asserted there is no support for “establishing a current position of said downtilt antenna by sending an antenna check command to said antenna controller.” However, this claim language is supported by the specification. For example, the main controller or “central controller 89 may be a computer, such as an IBM compatible PC....” 18:20-21. The “following information about each antenna is given” (19:8): “Current Angle: this is the actual degree of beam tilt of an antenna which is communicated from the controller to the PC at start-up” (19:14-17).

This “current angle” information is the current position of a downtilt antenna or the “tilt position” as stated in the claim. The quote from page 19 of the specification says that this information is being communicated from an antenna controller to the PC (i.e., to main or central controller 89) at start-up. To one skilled in the relevant art, this description necessarily indicates that starting the program at the PC triggers an initialization routine which sends a command to

the antenna controller to report back the current position – i.e., establishing at the main controller a current position of the downtilt antenna. That command, during start-up, from the main controller to the antenna controller is the claimed “check command” to check and report back current position. Therefore, one skilled in the relevant art would recognize that the claimed subject matter (the language identified in the Office Action) is supported by the specification.

3. With regard to claims 45 and 56, the Office Action erroneously asserted there is no support for “transmitting an antenna check command.” In the context of each of the two claims, a user requests a system check, the main controller transmits “an antenna check command” to a particular antenna controller, and that antenna controller returns the position of a corresponding antenna. However, the claim language is supported by the specification. For example, “when a user clicks on the mouse the following options may be selected” (19:23-25): “the controller may be instructed to measure the actual angle of tilt of an antenna” (20:9-11).

This is the claimed “transmitting an antenna check command from said main controller to an addressed one of said plurality of antenna controllers.” That is, the disclosed command instructing the antenna controller to measure the actual tilt angle of the antenna is the claimed “antenna check command” being transmitted. Therefore, one skilled in the relevant art would recognize that the claimed subject matter (the language identified in the Office Action) is supported by the specification.

4. With regard to claims 51 and 62, the Office Action erroneously asserted there is no support for “an antenna controller memory connected to said antenna controller.” However, this claim language is supported by the specification. *See e.g.* 17:6-7 (“the angle of downtilt for each antenna may be stored in memory of controller 80”); 17:11-14 (“controller 80 may include tables in memory containing the number of pulses from reed switch 43 that must be counted for

threaded member 34 to achieve each desired degree of downtilt"). That is, the specification discloses that the antenna controller includes an antenna controller memory, and one skilled in the relevant art would recognize that the claimed subject matter (the language identified in the Office Action) is supported by the specification.

With regard to claims 51 and 62, the Office Action also asserted erroneously that there is no disclosure of signals changed by switch 43 being provided to controller 80. This was part of applicants' explanation of the support for the claim limitation of "an antenna controller communicating with said sensor for controlling said antenna position," and the application does disclose that the signals changed by switch 43 are provided to controller 80 for controlling antenna position. See e.g. 13:13-16 ("Figure 7 shows how motor 41, reed switch 43 and switches 45 and 46 are connected to lines 71, 72, 76 and 77 from an external controller"); 14:4-9 ("lines 76 and 77 are connected to reed switch 43 so that the opening and closing of reed switch 43 may be monitored by an external control unit. In use, the opening and closing of reed switch 43 may be monitored to determine the position of threaded member 34, and hence the corresponding degree of tilt of the antenna"); Fig. 7 shows lines 71, 72, 76 and 77 corresponding to a cable group 78; Fig. 8 shows cable groups 78 connected to a controller 80; 15:1-9 (through cable groups 78, controller 80 can adjust the tilt of a plurality of antennas). Therefore, one skilled in the relevant art would recognize that the application does disclose that signals changed by switch 43 are provided to controller 80 via lines 76 and 77 in a cable group 78.

As discussed above, each of the claim limitations identified in the office action is disclosed in the specification. In fact, each is discussed expressly though not always using the identical language as the claim. Even if that were not so, *arguendo*, "the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one

when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented." *All Dental Prodx LLC v. Advantage Dental Products Inc.*, 64 USPQ2d 1945, 1948 (Fed. Cir. 2002). The above discussion demonstrates that the specification shows that what was invented includes each of the limitations in issue.

The applicants submit that all of the pending claims are in condition for allowance, request reconsideration and a determination that all of the pending claims are allowable. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the captioned application, the applicants request the Examiner to call the undersigned at the below-listed telephone number.

Respectfully submitted,

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